

THE LAW OFFICE OF

ELISA HYMAN, P.C.

March 23, 2021

BY ECF

Honorable Judge Paul A. Engelmayer, U.S.D.J.
United States District Court - Southern District of New York
40 Foley Square
New York, New York 10007

Re: *A.G., et al. v. New York City Department of Education, et al.*, 19-cv-3829 (PAE);
A.G., et al. v. New York City Department of Education, et al., 20-cv-3447 (PAE)

Dear Judge Engelmayer:

I represent the Plaintiffs in the above-referenced actions and write jointly with Defendants. The parties respectfully move for an adjournment *sine die* of the pre-trial conference currently scheduled for March 25, 2021 because the parties believe that a settlement is likely in these actions. Docket Entry 35.

Plaintiffs provided Defendants a settlement demand in January, but it has taken Defendants longer than expected to respond. Defendants provided Plaintiffs with a written counter-proposal today. The parties remain optimistic that these cases will settle amicably without court intervention.

Because the parties were engaged in settlement discussions, and we believed that settlement was likely, we regretfully did not meet our discovery deadlines pursuant to the Case Management Plan, Docket Entry 35.¹ We apologize to the Court for not writing sooner to request an extension of time for discovery. At this time, the parties seek an additional forty-five days to assess the possibility of settlement and Plaintiffs request a *nunc pro tunc* extension of time to complete discovery.² If we have not reached a settlement in principle by May 10,

¹ These consolidated actions pursuant to the Individuals with Disabilities Education Improvement Act ("IDEA"), 20 U.S.C. §1415(j), concern the special education that Defendants allegedly failed to provide Plaintiff A.G.'s child, who has autism, in that Defendants failed to implement orders of administrative hearing officers in underlying proceedings concerning S.B. and five school years at issue – the 2015-2016 through 2019-2020 school years. Plaintiffs A.G. and S.B. are also named Plaintiffs in the M.G. Class Action, *M.G. et al. v. NYC Dep't of Educ. et al.*, 13-cv-4639 (S.D.N.Y.) (SHS)(RWL), a certified class action challenging Defendants' policies and practices with respect to available services for students with autism.

² Defendants do not believe that discovery is warranted in these cases.

2021, the parties request an opportunity to submit a revised Case Management Plan at that time.

Finally, the parties move to substitute Chancellor Meisha Porter in her official capacity for Defendant Chancellor Richard Carranza in his official capacity pursuant to Federal Rule of Civil Procedure 25(d). The parties respectfully request an Order directing the Clerk to amend the docket accordingly.

Thank you very much for Your Honor's consideration of these matters.

Sincerely,

Erin O'Connor

Erin O'Connor, Of Counsel
The Law Office of Elisa Hyman, P.C.
Counsel for the Plaintiffs

cc: Andrew Rauchberg, Esq.

All discovery deadlines are extended by 90 days. The Case Management Conference currently scheduled for March 25, 2021, is adjourned until July 20, 2021, at 2:30 p.m. The Clerk of Court is respectfully directed to substitute Chancellor Meisha Porter in her official capacity for Defendant Chancellor Richard Carranza in his official capacity. SO ORDERED.

Paul A. Engel Mayer

PAUL A. ENGEL MAYER
United States District Judge
3/24/2021